

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

STEPHEN M. BYRD

VS.

CIVIL ACTION NO. 3:07CV477DPJ-JCS

UNITED STATES OF AMERICA, EX REL

**UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION**

and

VICKIE CULOTTA

**AGREED ORDER ON PETITION
FOR DECLARATORY JUDGEMENT AND OTHER RELIEF**

STIPULATION OF DISMISSAL

This matter having come to be heard on petition of Stephen M. Byrd, through counsel, on Petition for Declaratory Judgment and Other Relief against the United States of America and Vicky Cullota, and the court having been advised that the issues between the parties have been settled based on the below stipulations finds the agreement reasonable and in the interest of the parties. The parties have agreed as follows:

1. The parties stipulate and agree that this court has personal and subject matter jurisdiction over the issues, claims and parties in this cause of action.

2. The United States of America, ex-rel The United States Department of Agriculture, Farmers Home Administration (hereinafter the United States of America) agrees that Stephen M. Byrd does not owe any funds arising out of the sale of real property on May 22, 1997 and further that he owes no further obligation on the certain Deed of Trust entered into on January 18, 1988 and

recorded in the land records of the Chancery Clerk Office of Pike County, Mississippi and filed for record in Book 391, Page 197.

3. The United States of America agrees to return the sum of \$2,699.66 (Two Thousand Six Hundred Ninety Nine Dollars and 66/100 cents) to Stephen M. Byrd for amount confiscated from his 2001 through 2005 income tax refunds.

4. The United States of America agrees to reimburse Stephen Byrd the sum of \$2,000.00 (Two Thousand Dollars) for attorney fees.

5. The United States of America agrees to notify all of its agencies, including the United States Treasury that this debt has been voided and is not due or payable.

6. The parties agree that the claims against Vicky Cullotta will be dismissed as they pertain to this cause.

7. Stephen M. Byrd agrees that upon implementation of the above provisions, his claims against the United States of America arising from the January 18, 1988 assumption and the May 22, 1997 transfers are fully settled and that this case is dismissed with prejudice.

The Court having considered the agreement finds it well taken and adopts it as the Order of the Court.

SO ORDERED AND ADJUDGED this the 27th day of December, 2007.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND CONTENT:

Counsel for the Plaintiff:

<u>s/William E. Goodwin/s</u>	<u>December 27, 2007</u>
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Counsel for the Defendant:

<u>s/Edward O. Pearson/s</u>	<u>12/21/2007</u>
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